

REMARKS

The Final Office Action of August 26, 2010, has been received and reviewed. Applicant requests the statutory deadline to file response be extended by one month pursuant to 37 CFR 1.17(a)(1), the fee for which is hereby enclosed. In conjunction with the Request for Continued Examination filed herewith, the claims are to be amended as previously set forth. New claim 78 is presented herein. Basis for new claims 78 can be found throughout the Specification and more specifically at least at ¶¶ [0014], [0015], [0022], and [0031] of the Specification as published. All amendments and claim cancellations are made without prejudice or disclaimer. No new matter has been presented. Reconsideration is respectfully requested.

Interview

The applicants' representatives would like to thank the Examiner for the courtesy extended them during the personal interview of November 22, 2010. The interview was helpful to the applicants and their representative in gaining an understanding of the Examiner's concerns. At the interview, the rejections made in the Final Office Action of August 26, 2010 were discussed as were the Examiner's and applicants perspectives with respect to the rejections. If the Office believes that further comments are necessary or desired describing the interview, the Examiner is kindly requested to contact applicants' undersigned attorney, and further detail will be promptly provided to the extent possible.

35 U.S.C. § 102(b)

Claims 68-75 and 77 stand rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by Harn *et al.* (WO 97/27872) (hereinafter "Harn"). Applicants note that the rejection of claim 77 is moot as that claim is cancelled herein. Applicants have amended the remaining claims and, partially in view of those amendments, traverse the remaining rejections are hereinafter set forth.

Unless a single prior art reference describes "all of the limitations claimed" and "all of the limitations [are] arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. §

102.” *Net MoneyIN Inc. v. VeriSign Inc.*, No. 07-1565, slip op. at 17-18 (Fed. Cir. Oct. 20, 2008). A single prior art reference must “clearly and unequivocally” describe the claimed invention “without any need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference.” *Id.* at 19 (citing *In re Arkley*, 455 F.2d 586, 587 (C.C.P.A. 1972)). Applicants respectfully assert that claims 68-75 cannot be anticipated by Harn as Harn does not describe “all of the limitations claimed.”

Applicants have amended independent claim 68 to recite “administering to an individual who has been exposed to or is at risk of exposure to a first antigen a composition comprising a conjugate of the first antigen and at least one second antigen, wherein the at least one second antigen comprises at least Lewis x antigen.” Basis for the amendment to claim 68 can be found throughout the Specification and more specifically in at least ¶¶ [0003], [0014], [0017], [0022], and [0031] of the Specification as published.

Applicants submit that Harn cannot anticipate amended claim 68 as Harn does not describe “administering to an individual who has been exposed to or is at risk of exposure to a first antigen a composition comprising a conjugate of the first antigen and at least one second antigen, wherein the at least one second antigen comprises at least Lewis x antigen” as recited in amended claim 68.

Applicants note that Harn is directed to the stimulation of a Th1 or Th2 response through the use of a Lewis x antigen. However, Harn is not generally concerned with the type of carrier that is used to present the Lewis x antigen. Indeed, Harn teaches that protein carriers, solids supports, beads, or plates can be used (Harn at page 12, lines 25-33). Thus, Harn does not teach that the antigen conjugated to the Lewis x antigen should be one that the individual has been exposed to or is at risk of exposure to as recited in amended claim 68.

Further, Harn, at page 12, lines 27-30, teaches that “[w]hen a sugar-carrier protein conjugate is to be administered to a subject, the carrier protein should be selected such that an immunological reaction to the carrier protein is not stimulated in the subject. This statement clearly indicates that not only is Harn unconcerned with what the Lewis x antigen is conjugated to, but Harn teaches that the carrier of the Lewis x antigen be one that is one that will play no immunogenic role. By contrast, amended claim 68 is directly concerned with the possible

immune status regarding the carrier antigen and new claim 78 specifically recites that the first antigen be capable of eliciting an immune response.

Further, where Harn teaches specific carrier proteins for a Lewis x antigen (*see, e.g.*, page 13, lines 24-29), these are all proteins that avoid generating an immune response as part of the pathology of the disease with which they are associated.

Consequently, Harn cannot anticipate claims 68-75, or new claim 78, as Harn does not teach all of the limitations of these claims.

In view of at least the foregoing, applicants request the withdrawal of the rejections under 35 U.S.C. § 102(b).

CONCLUSION

In light of the above amendments and remarks, applicants respectfully request reconsideration of the application. If questions remain after consideration of the foregoing, or if the Office should determine that there are additional issues which might be resolved by a telephone conference, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted,



Daniel J. Morath, Ph.D.
Registration No. 55,896
Attorney for Applicants
TRASKBRITT, P.C.
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: December 27, 2010